Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

Conditional Major/Synthetic Minor
AIR QUALITY PERMIT

Permittee Name:	**Wilco Refining, LLC**
Mailing Address:	**Albany, Kentucky 42602**
Source Name:	**Wilco Refining, LLC**
Mailing Address:	**P.O. Box 473** **Albany, Kentucky 42602**
Source Location:	**South on Route 738, Kentucky**
Permit Number:	**F-02-007**
Log Number:	**53856**
Review Type:	**Conditional Major/Synthetic Minor Operating Permit**
KYEIS ID #:	**21-053-00012**
SIC Code:	**2911**
Regional Office:	**London Regional Office** **875 S. Main St.** **London, KY 40741** **(606) 878-0157**
County:	**Clinton**
Application Complete Date:	**February 22, 2002**
Issuance Date:	**May 17, 2002**
Expiration Date:	**May 17, 2007**

John S. Lyons, Director
Division for Air Quality

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

APPLICABLE REGULATIONS :

401 KAR 59:015 New Indirect Heat Exchangers. The provisions of this administrative regulation shall apply to each affected facility, an indirect heat exchanger having a heat input capacity of more than one (1) million Btu (mmBtu) per hour, commenced on or after April 9, 1972 for affected facilities with a capacity of 250 mmBtu/hr heat input or less with respect to particulate emissions and sulfur dioxide emisions.

401 KAR 59:105 New Process Gas Streams. The provisions of this administrative regulation shall apply to each affected facility which means any gas stream, emitted from any process including by-product coke plants except process upset gas, which commenced on or after June 6, 1979.

401 KAR 63:010 Fugitive Emissions. The provisions of this admininstrative regulation are applicable to any apparatus, operation or road which emits or may emit fugitive emissions that are not elsewhere subject to an opacity standard.

401 KAR 63:020 Potentially Hazardous Matter or Toxic Substances. The provisions of this administrative regulation are applicable to each facility which emits or may emit potentially hazardous matter or toxic substancesprovided such emissions are not elsewhere subject to the provisions of the administrative regulations of the Division for Air Quality.

40 CFR 60.100-109 Subpart J Standard of Performance for Petroleum Refineries. The provisions of this subpart are applicable to affected facilities in petroleum refineries. *Petroleum refinery* means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking or reforming of unfinished petroleum derivatives.

40 CFR 60.110b-117b Subpart Kb Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984 The affected facilities to which this subpart applies is each storage vessel with a capacity greater than or equal to 40 cubic meters that is used to store volatile organic liquids for which construction, reconstruction, or modification is commenced after July 23, 1984.

40 CFR 60.590-593 Subpart GGG Standard of Performance for Equipment Leaks of VOC in Petroleum Refineries. The provisions of this subpart apply to affected facilities in petroleum refineries. A *Petroleum refinery* means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through the distillation of petroleum, or through the redistillation, cracking, or reforming of unfinished petroleum derivatives. The group of all the equipment within a process unit is an affected facility. A *Process unit* means components assembled to produce intermediate or final products from petroleum, unfinished petroleum derivatives, or other intermediates; a

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process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.
Note: This Subpart references Subpart VV for standards and other requirements.

NON-APPLICABLE REGULATIONS :

401 KAR 59:046 Selected New Petroleum Refining Processes and Equipment. This source has elected to be a synthetic minor source which precludes the major source new source performance standards.

401 KAR 59:050 New Storage Vessels for Petroleum Liquids. All potential affected facilites have not previously demonstrated compliance since construction. This permit constitutes the initial construction date which is after July 24, 1984. This source has elected to be synthetic minor which precludes the major source new source performance standards. The gasoline tank sizes are 170,000, 120,000 and 67,500 gallons which is greater than the 40,000 gallon limit described in this regulation.

401 KAR 61:015 Existing Indirect Heat Exchangers. All potential affected facilities have not previously demonstrated compliance since construction and are therefore subject to new source performance standards.

40 CFR 60 Subpart XX Standards of Performance for Bulk Gasoline Terminals. The definitaion of a Bulk Gasoline Terminal is any gasoline facility which receives gasolilne by pipline, ship or barge, and has a gasoline throughput greater than 75,000 gallons per day (about 20,000 gallons per day). Although this facility has the potential for 36,000 gallons per day output, they do not receive gasoline in the manner indicated for the applicability of Subpart XX.

40 CFR 63 Subpart H National Emission Standard for Organic Hazardous Air Pollutants for Equipment Leaks. PTE controlled single HAP emissions are below 10 tons per year and for combined HAPs below 25 tons per year.

40 CFR 63 Subpart CC National Emissions Standard for Hazardous Air Pollutants from Petroleum Refineries. PTE controlled single HAP emissions are below 10 tones per year and for combined HAPs below 25 tons per year.

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Group # 01 CRUDE OIL PROCESSING

Description: Crude oil is unloaded into two separate tanks for storage as a feedstock. Crude oil is pumped through piping to the indirect heaters where it is heated to a vapor. Each oil tank has its own pump and indirect heater. Crude oil flow is dependant on pump and heater configuration. The smaller heater will be used only when the primary heater is not used, needed or shutdown. Equipment associated with the oil processing group shall consist of only that equipment in contact with liquid oil.

Applicable regulation(s): 40 CFR 60 Subpart Kb, 40 CFR 60 Subpart GGG (refer to Subpart VV)

Control Device: Installation pending. See paragraph 8 below: Specific Compliance Schedule.

Process Units:	**Source ID #**
1,2) 2 Crude Oil Tanks : Breathing and Working Losses……..…….……..	VFRT-01
Combined 500,000 gallon capacity, 46,990,000 gallons per year throughput	VFRT-02
Each tank is 37.6 feet diameter, 32 feet high, vertical fixed roof	
Installed in October 1985	
3) 2 Primary Pump Seals……..…..……	P1
Pump is rated at 45,660,000 gallons per year	
4) Valves in heavy liquid service……..…….	na
5) 44 Flanges/Connectors in heavy liquid service…….…….……	na
6) 2 Secondary Pump and Seals……...……..…	P2
Pumps is rated at 45,660,000 gallons per year	
Installation pending (proposed Summer 2002)	

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Group # 02 DIESEL PROCESSING

Description: After distillation, diesel distillate is drawn through piping to storage tanks. Equipment under this group heading include all equipment from the distillation tower to the storage tanks.
Applicable regulation(s): 40 CFR 60 Subpart Kb, 40 CFR Subpart GGG (refer to Subpart VV)
Control Device: None

Process Units:	**Source ID #**
1,2) 2 Diesel Tanks : Breathing and Working Losses Combined 460,000 gallon capacity, 17,476,200 gallons per year throughput	
Tank 3, 30 feet diameter, 40 feet high, vertical fixed roof…….. Installed in October 1985	VFRT-03
Tank 4, 30 feet diameter, 40 feet high, vertical fixed roof…….. Installation pending	VFRT-04
3) 2 Pumps/Seals……..….. Pumps used for loading and unloading	na
4) 34 Valves in heavy liquid service…….	na
5) 40 Flanges/Connectors in heavy liquid service…….…….	na

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Group # 03 KEROSENE PROCESSING

Description: Kerosene is produced from the distillation tower and pumped to tanks for storage. Equipment listed within this group heading contains all affected facilities from the distillation tower to the storage tanks.

Applicable regulation(s): 40 CFR 60 Subpart Kb, 40 CFR 60 Subpart GGG (refer to Subpart VV)

Control Device: None

Process Units:	**Source ID #**
1,2) 1 Kerosene Tank : Breathing and Working Losses……..……...…….. 120,000 gallon capacity, 2,759,400 gallons per year throughput 25 feet diameter, 32 feet high, vertical fixed roof Installed in October 1985	VFRT-05
3) 2 Pumps/Seals in heavy liquid service……...…….…….	na
4) 34 Valves in heavy liquid service…….……..	na
5) 40 Flanges/Connectors in heavy liquid service……...…….……..	na

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Group # 04 GASOLINE PROCESSING

Description: Gasoline is produced from the distillation tower and pumped to one of 3 tanks for storage. Vapor from tanks (and loading rack) is collected through the vapor recovery system and is sent to either a flare or through the primary indirect fired heater if desired. Equipment listed within this group heading contains all equipment from the distillation tower to the storage tanks and the gasoline vapor recovery system.

Applicable regulation(s): 40 CFR 60 Subpart Kb, 40 CFR 60 Subpart GGG (refer to Subpart VV)

Control Device: Blowdown system on tanks 6 and 7; internal floating roof in tank 8. Vapor is collected and sent to either a flare or the primary indirect process heater (H1)

Process Units:	**Source ID #**
1,2) 3 Gasoline Tanks : Breathing and Working Losses Combined 357,500 gallon capacity, 13,245,000 gallons per year throughput All tanks installed in October 1985	
Tank 6 : 30 feet diameter, 32 feet high, vertical fixed roof…..……...…	VFRT-06
Tank 7 : 25 feet diameter, 32 feet high, vertical fixed roof…….	VFRT-07
Tank 8 : 22 feet diameter, 24 feet high, vertical with internal floating roof…	IFRT-08
3) Pumps/Seals in light liquid service (2 pump seals; 2 compressor seals)……..	na
4) Valves in light liquid service (39 valves)……...……..	na
5) Flanges/Connectors in light liquid service (50 flanges)……	na
6) Henders steel tank under vacuum in vapor service (3 flanges)……..... Part of recovery system.	na
7) Compressor seal in vapor service (1 seal)…….…… Part of recovery system.	na

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Group # 05 RESIDUAL OIL PROCESSING

Description: Residual oil is generated as a waste from the distillation process. Residual oil is stored on-site then pumped and shipped out as a waste.
Applicable regulation(s): 40 CFR 60 Subpart Kb, 40 CFR Subpart GGG (refer to Subpart VV)
Control Device: None

Process Units:	**Source ID #**
1,2) 2 Residual Oil Tanks : Breathing and Working Losses……..…….	VFRT-09
Combined 168,000 gallon capacity, 14,717,000 gallons per year throughput	VFRT-10
Both tanks are 30 feet diameter, 16 feet high, vertical fixed roof	
Installed in October 1985	
3) Pumps/Seals in heavy liquid service (2 pump seals)……	na
4) Valves in heavy liquid service (33 valves)…….……	na
5) Flanges/Conectors in heavy liquid service (40 flanges)……..	na

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Group # 06 SULFUR TREATMENT SYSTEM

Description: Crude oil is heated to vapor form near 700°F which is passed through iron or steel shavings within a packed tower. The hot sulfur gases react with the metal shavings to reduce odors and possibly inorganic sulfur compounds. Acids accumulate at the bottom of each tower and are drained on occasion. Metal shavings are also replaced periodically. The unit is sealed which means there are no associated emissions. Associated equipment includes piping from the indirect heaters to the sulfur reducing units and to the distillation tower.

Applicable regulation(s): 40 CFR Subpart GGG (refer to Subpart VV)

Control Device*:* None

Process Units:	**Source ID #**
1) Sulfur Treament Unit…… 39,000,000 gallons of crude oil in vapor form. 2 units in series, 30 ft. and 32 ft. in height and 30 inches in diameter	SRU
2) 6 Valves in vapor service…….	na

Group # 07 DISTILLATION TOWER

Description: The atmospheric distillation tower contains 30 trays, a heat exchanger, a stripper and an air cooler to distill fractions of diesel, kerosene, gasoline and residual oil.

Applicable regulation(s): 40 CFR 60 Subpart GGG (refer to Subpart VV)

Control Device*:* None

Process Units:	**Source ID #**
1) Atmospheric Distillation Tower…… Crude oil input 36,792,000 gallons per year. Trans mixture input at 9,198,000 gallons per year Installed in August 1985	na

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Group # 08 CATALYTIC REFORMING PROCESS

Description: A mixture of hydrocarbons and alcohols are combined in certain proportions to generate a fuel additive. Equipment installation is pending.
Applicable regulation(s) : 40 CFR 60 Subpart GGG (refer to Subpart VV)
Control Device*:* None

Process Units:	**Source ID #**
1) Catalytic Reforming Unit…… Installation pending (proposed Summer 2002)	CRU
2) Pumps/Seals…….. Installation pending (proposed Summer 2002)	na
2) Valves…….. Installation pending (proposed Summer 2002)	na
3) Flanges/Conectors…… Installation pending (proposed Summer 2002)	na

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For Groups # 01, 02, 03, 04, 05, 06, 07 and 08

1. Operating Limitations:

To preclude the applicability of 401 KAR 51:017, the following operating limits shall be:

a. The crude oil total throughput rate shall not exceed 2,520 barrels per day and 36,792,000 gallons per year. Trans mixture input to the Atmospheric Distillation tower shall not exceed 9,198,000 gallons per year.

b. The diesel throughput rate shall not exceed 8,738,000 gallons per year.

c. The kerosene throughput rate shall not exceed 2,759,400 gallons per year.

d. The gasoline throughput rate shall not exceed 13,245,000 gallons per year.

e. The residual oil processing rate shall not exceed 14,716,800 gallons per year.

f. The fixed roof with internal floating roof shall meet the specifications listed in 40 CFR 60.112b(a)(1).

g. The blowdown system, vapor recovery system and flare shall be in operating condition at all times when gasoline is stored, processed or unloaded.

h. Pursuant to 40 CFR 60.113b (a), the owner or operator shall visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill and prior to filling the storage vessel. If there are holes, tears or other openings in the primary seal of the internal floating roof, the owner or operator shall repair the items before filling the storage vessel.

i. Pursuant to 40 CFR 60.112b(a)(3), the closed vent system (for the fixed roof tanks without internal floating roof) shall be designed and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspection.

j. Pursuant to 40 CFR 60.482-2, 60.482-3, 60.482-7, 60.482-8, and 60.482-10, when a leak is detected from any valve, seal or connector, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected. The first attempt at repair shall be made no later than 5 calendar days after each leak is detected unless technically infeasible without a process unit shutdown. Repair of this equipment shall occur before the end of the next process unit shutdown.

k. Pursuant to 40 CFR 60.482-3, each compressor shall be equipped with a seal system that includes a barrier fluid system and that prevents leakage of VOC to the atmoshphere. The barrier fluid system shall be in heavy liquid service and equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

l. Pursuant to 40 CFR 60.482-2, 60.482-3, 60.482-7, and 60.482-8, if an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

m. Pursuant to 40 CFR 60.482-10, leaks found in the vapor recovery system, as indicated by an instrument reading greater than 500 parts per million by volume above background or by visual inspections, shall be repaired as soon as practicable. A first attempt at repair shall be made no later than 5 calendar days after the leak is detected. Repair shall be completed no later than

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15 calendar days after the leak is detected.

n. Pursuant to 40 CFR 482-9, delay of repair of a closed vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be complete by the end of the next process unit shutdown.

Compliance Demonstration :
See the monitoring and recordkeeping requirements.

2. Emission Limitations:

a. Total VOC emissions from the crude oil storage tanks shall not exceed 12.62 tons per year.
b. Total VOC emissions from the diesel storage tanks shall not exceed 0.50 tons per year.
c. Total VOC emissions from the kerosene storage tanks shall not exceed 0.05 tons per year.
d. Total VOC emissions from the gasoline storage tanks shall not exceed 16.4 tons per year.
e. Total VOC emissions from the residual oil storage tanks shall not exceed 0.02 tons per year.
f. Total VOC source-wide emissions from all valves, flanges, pump seals and compressor seals shall not exceed 26.70 tons per year.
g. Pursuant to 40 CFR 60.112b(a), the feedstock crude oil tanks shall be equipped with an acceptable control device. See SECTION I.

Compliance Demonstration :

a. Annual VOC emissions in a consectuive 12 months shall be determined by summing the monthly VOC emissions using the following equation:

$$\text{Annual VOC} = \sum_{1}^{12} \text{Monthly VOC emissions (tons)}$$

This equation shall include all controlled and uncontrolled VOC emission points.

c. See the monitoring, recordkeeping and control requirements.

3. Testing Requirements :

a. Pursuant to 40 CFR 60.113b(a)(4), the owner or operator shall visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes and sleeve seals (if any) each time the storage vessel is emptied and degassed. In no event shall inspections conducted in accordance with this provision occur at intervals greater than 10 years.
b. Pursuant to 40 CFR 60.485, the permittee shall test all valves, flanges, connectors, pumps, and compressors to determine compliance with the standards using Method 21 for the presence of leaking sources. The instrument shall be calibrated before use each day of its use by the procedures specified in Method 21. The following calibration gases shall be used:

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i. Zero air (less than 10 ppm of hydrocarbon in air); and
ii. A mixture of methane or n-hexane and air at a concentration of about, but less than, 10,000 ppm methane or n-hexane.

4. Specific Monitoring Requirements :

a. The owner or operator of each vessel shall monitor and maintain records on the throughput of crude oil feedstock.
b. The owner or operator of each vessel shall monitor and maintain records on the throughput of diesel distillate.
c. The owner or operator of each vessel shall monitor and maintain records on the throughput of kerosene distillate.
d. The owner or operator of each vessel shall monitor and maintain records on the throughput of gasoline distillate.
e. The owner or operator of each source that is equipped with a closed vent system and control device shall monitor the parameters of the closed vent system and control device.
f. The owner or operator shall conduct annual inspections of the vapor recovery system to check for visible, audible, or olfactory indications of leaks.

Gas/Vapor Service

g. Pursuant to 40 CFR 60.482-3 (e), each sensor to detect failure of the seal system shall be checked daily or shall be equipped with an audible alarm.

Light Liquid (Gasoline) Service

h. Pursuant to 40 CFR 60.482-2(a), each pump shall be monitored monthly to detect leaks using the testing requirements specified above (Method 21). Each pump shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.
i. Pursuant to 40 CFR 60.482-8(a), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method at pressure relief devices in light liquid service, the owner or operator shall monitor the equipment within 5 days by the method specified in Testing Requirements above.

Heavy Liquid Service

j. Pursuant to 40 CFR 60.482-8(a), if evidence of a potential leak is found by visual, audible, olfactory, or any other detection method at pumps, valves, pressure relief devices or connectors in heavy liquid service, the owner or operator shall monitor the equipment within 5 days by the method specified in Testing Requirements above.

5. Specific Recordkeeping Requirements :

a. Maintain a daily record/log of the crude oil feedstock throughput.
b. Maintain a daily record/log of the trans mixture feedstock throughput.

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c. Maintain a daily record/log of the diesel distillate throughput.
d. Maintain a daily record/log of the kerosene distillate throughput.
e. Maintain a daily record/log of the gasoline distillate throughput.
f. Pursuant to 40 FCR 60.115b, the owner or operator shall keep copies of all reports and records for at least two years which includes a record of the measured values of the parameters monitored for the flare, and periods of operation during which the flare pilot flame is absent. A copy of the operating plan and a record of the measured parameters shall be kept for the life of the flare.
g. Pursuant to 40 CFR 60.486(a),(b) and (c), when each leak is detected, a weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment. The identification on equipment, except on a valve, may be removed after it has been repaired. The following information shall be recorded in a log and shall be kept for 2 years in a readily accessible location:
    i. The instrument and operator identification numbers and the equipment identification number.
    ii. The date the leak was detected and the dates of each attempt to repair the leak.
    iii. Repair methods applied in each attempt to repair the leak.
    iv. "Above 10,000" if the maximum instrument reading measured by Method 21 after each repair attempt is equal to or greater than 10,000 ppm.
    v. "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
    vi. The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.
    vii. The expected date of successful repair of the leak if a leak is not repaired within 15 days.
    viii. Dates of process unit shutdowns that occur while the equipment is unrepaired.
    ix. The date of successful repair of the leak.
h. For the atmospheric distillation column, the owner or operator shall record the following information:
    i. Identification of all parts of the closed vent system that are designated as unsafe to inspect, an explanation of why the equipment is unsafe to inspect, and the plan for inspecting the equipment.
    ii. Identification of all parts of the closed vent system that are designated as difficult to inspect, an explanation of why the equipment is difficult to inspect, and the plan for inspecting the equipment.
    iii. A record for each inspection during which a leak is detected.
    iv. For each inspection conducted in which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.
    v. For each visual inspection conducted and in which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks

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were detected.

i. Pursuant to 40 CFR 60.The owner or operator shall keep a record of each inspection performed. Each record shall identify the storage vessel on which the inspection was performed, state the date the vessel was inspected and the observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

j. Pursuant to 40 CFR 60.486(The following information, pertaining to the closed vent system and flare, shall be recorded and kept in a readily accessible location :
   i. Detailed schematics, design specifications, and piping and instrumentation diagrams.
   ii. The dates and descriptions of any changes in the design specifications.
   iii. A description of the parameter or parameters monitored to ensure that control devices are operated and maintained in conformance with their design and an explanation of why that parameter (or parameters) was selected for the monitoring.
   iv. Time periods when the required closed vent systems and control devices are not operated as designed, including periods when a flare pilot light does not have a flame.
   v. Dates of startups and shutdowns of the closed vent systems and control devices.

k. The following information pertaining to all equipment shall be recorded in a log that is kept in a readily accessible location:
   i. A list of identification numbers for equipment subject to these requirements.
   ii. The dates of each compliance test, the atmospheric background level measured during each compliance test and the maximum instrument reading measured at the equipment during each compliance test.
   iii. A list of identification numbers for equipment in vacuum service.

6. Specific Reporting Requirements :

a. The owner or operator shall submit to the Division an operating plan containing documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions and a description of the parameter or parameters to be monitored to ensure compliance. Documents must be provided to ensure that the enclosed combustion device has a minimum residence time of 0.75 seconds and a minimum temperature of 816ºC and meets the 95 percent removal efficiency requirement. A description of the parameter or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter (or parameters) shall be included.

c. The owner or operator shall report the results of all performance tests in accordance with the General Provisions specified in 40 CFR 60 Subpart A. The owner or operator must notify the Division of the schedule for the initial performance tests at least 30 days before the initial performance tests.

d. Pursuant to 40 CFR 60.113b(a)(5), notify the Division in writing at least 30 days prior to the filling or refilling of each storage vessel for which an inspection is required. If the inspection is

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not planned and the owner could not have known about the inspection 30 days in advance or refilling the tank, the owner or operator shall notify the Division at least 7 days prior to the refilling of the storage vessel. Notification shall be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned.

e. After each inspection that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment, a report shall be furnished to the Division within 30 days of the inspection. The report shall identify the storage vessel and the reason it did not meet the specifications and list each repair made.

f. The owner or operator of each vessel that is equipped with a closed vent system and control device shall submit for approval by the Division an operating plan containing information on :
   i. documentation demonstrating that the control device will achieve the required control efficiency during maximum loading conditions.
   ii. a description of the parameters or parameters to be monitored to ensure that the control device will be operated in conformance with its design and an explanation of the criteria used for selection of that parameter(s).

g. The owner or operator shall submit to the Division within 6 months after the initial start-up date a report containing the measurements required by 40 CFR 60.18(f) (1), (2), (3), (4), (5), and (6). Records shall be kept of all periods of operation during which the flare pilot flame is absent. Semiannual reports of all periods recorded in which the pilot flame was absent shall be furnished to the Division.

h. Pursuant to 40 CFR 60.487, each owner or operator subject to these provisions shall submit semiannual reports to the Division beginning six months after the initial startup date. The initial semiannual report to the Division shall include :
   i. Process unit identification.
   ii. Number of valves used in gasoline production.
   iii. Number of pumps in gasoline service.
   iv. Number of compressors subject to these requirements.

   All semiannual reports to the Division shall include :
   i. Process unit identification.
   ii. Number of valves for which leaks were detected and not repaired.
   iii. Number of pumps for which leaks were detected and not repaired.
   iv. Number of compressors for which leaks were detected and not repaired
   v. Facts that explain each delay of repair and, where appropriate, why a process unit shutdown was technically infeasible.
   vi. Dates of process unit shutdowns which occurred within the semiannual reporting period.
   vii. Revisions to items reported according to paragraph (b) if changes have occurred since the initial report or subsequent revisions to the initial report.

7. Specific Control Equipment Operating Conditions :

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a. Pursuant to 40 CFR 60.112b(a)(1), for any internal floating roof storage tank, the internal floating roof shall rest or float on the liquid surface inside a storage vessel that has a fixed roof.

b. Pursuant to 40 CFR 60.112b(a)(3), a closed vent system shall be designed to collect all VOC vapors and gases discharged from the crude oil and gasoline storage vessels and operated with no detectable emissions as indicated by an instrument reading of less than 500 ppm above background and visual inspections. The control device shall be designed and operated to reduce inlet VOC emissions by 95 percent or greater. Refer to 401 KAR 50:015 for testing methods.

8. Specific Compliance Schedule :

Pursuant to 40 CFR 60.112b(a), control devices shall be installed on both crude oil tanks within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial start-up of such facility. Pursuant to 40 CFR 60 Subpart Kb, an operating plan shall be furnished to the Division with a report that describes the control equipment and certifies that the control equipment meets the specifications described herein. This report shall be submitted to the Division with the initial semiannual report and maintained as a permanent record with the affected facility.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Group # 09 INDIRECT FIRED PROCESS HEATERS

Description: Natural gas is used to indirectly heat crude oil (H1) which then goes to either the sulfur treatment unit first or routed to the atmosopheric distillation tower. H1 can act as the control device for the vapor recovery system. A second heater (H1) burns natural gas and is used when processing rates are low and Heater 1 is shut down. A third indirect heater uses propane gas and is dedicated to the reforming unit.

Applicable regulation(s): 401 KAR 59:015, 40 CFR 60 Subpart J

Control Device*:* none

Process Units:	**Source ID #**
1) Heater #1……..….. Heating capacity : 10 mmBtu/hr, Natural gas is primary fuel, process gas is secondary fuel. Primary indirect heating of crude oil for atmospheric distillation tower. Installed October 1985	H1
2) Heater #2……..……. Heating capacity : 5 mmBtu/hr, Natural gas only. Secondary heater used when primary heater is not in operation. Installed November 2000	H2
3) Heater #3……..……...……. Heating capacity : 1 mmBtu/hr, Propane gas only. Indirect heater for catalytic reforming unit. Installation pending (proposed Summer 2002)	H3

1. Operating Limitations:

a. To preclude the applicability of 401 KAR 51:017, fuel in the primary process heater (H1) shall be restricted to a mixture of natural gas and distillate fuel gas from the vapor recovery system, or natural gas only. Closed vent systems and control devices used to comply with provisions of Subpart GGG shall be operated at all times when emissions from these points are vented to them.

b. Pursuant to 40 CFR 60.104(a)(1), the permittee shall not burn in any fuel gas combustion device any fuel gas that contains hydrogen sulfide (H_2S) in excess of 230 mg/dscm (0.10 grains/dry standard cubic foot).

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Compliance Demonstration:
See the Testing, Monitoring and Recordkeeping requirements for this Group.

2. Emission Limitations:

a. Pursuant to 401 KAR 59:015, Section 4(1)(a), no owner or operator shall cause to be discharged into the atmosphere particulate matter from each process heater in excess of 0.56 pounds per million BTU actual heat input.

b. Pursuant to 401 KAR 59:015, Section 4(2), no owner or operator shall cause to be discharged into the atmosphere from that affected facility emissions which exhibit greater than twenty (20) percent opacity except a maximum of forty (40) percent opacity shall be permissible for not more than six (6) consecutive minutes in any sixty (60) consecutive minutes during cleaning..

c. Pursuant to 401 KAR 59:015, Section 5(1)(a), no owner or operator shall cause to be discharged into the atmosphere sulfur dioxide (SO_2) from each process heater in excess of three (3.0) pounds per million BTU actual heat input.

Compliance Demonstration *:*

a. The permittee shall assure continuing compliance with the particulate matter emission and opacity limitations for each process heater or boiler by restricting the types of fuel combusted to a mixture of natural gas and distillate fuel gas.

b. Once per calendar day, the permittee shall survey each indirect heater stack when burning process gas and maintain a daily log noting the following information:
   i. Whether any air emissions were visible from any individual stack;
   ii. All emission points from which visible emissions were observed;
   iii. Whether the visible emissions were normal for the heater.

c. If no visible emissions are observed then no further observations are required. If visible emissions are observed, the permittee shall perform one of the following:
   i. The permittee shall perform a Method 9 reading for emissions from the process heater (H1). The opacity observed shall be recorded in the daily log. The reading shall be performed by a representative of the permittee certified in Visible Emissions Evaluations. The permittee shall maintain a list of all individuals that are certified Visible Emissions Evaluators and the date of certification; or
   ii. The permittee shall observe and record in the daily log the following information:
      1. The color of the emissions;
      2. Whether the emissions were light or heavy;
      3. The total duration of the visible emission incident;
      4. The cause of the abnormal emissions; and
      5. Any corrective actions taken.

c. When process gas is being burned in the primary process heater as a mixture with natural gas,

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

the permittee shall assure compliance with the sulfur dioxide emission limitations by calculating the actual sulfur dioxide emission rates using fuel analysis data and the following equation :

Sulfur dioxide emission rate (lbs/million Btu) = $[(1x10^6)/H]$ x D x S

where: H = heat content of fuel mixture, Btu per cubic feet
D = density of fuel mixture, lbs per cubic feet
S = decimal fraction of sulfur content in fuel mixture

Sulfur content shall be detemined as described in the Testing Requirements.

d. See the Testing, Monitoring and Recordkeeping requirements.

3. Testing Requirements:

When burning recovered vapor from the recovery system in the flare or burning process fuel gas in the primary indirect heater (H1), the following performance tests shall be required:

a. Reference Methods specified in 401 KAR 50:015 for VOC emissions shall be conducted semiannually.
b. Reference Method 6 shall be used in determination of the sulfur dioxide concentration semiannually.
c. Reference Method 9 if emissions are visible from the primary process heater (H1).

4. Specific Monitoring Requirements :

a. The permittee shall monitor the temperature of the primary process heater (H1) during periods when the process fuel gas is being burned.
b. Using ASTM or USEPA approved methods, the permittee shall demonstrate compliance with the sulfur dioxide limitation for each respective process heater by monitoring and recording the sulfur content of the fuel mixture.
c. The permittee shall maintain a daily log of the volume of fuel mixture combusted in each respective combustion device.
d. Maintain a log for hours of operation of the Loading Rack and Process Heater (H1).
e. The permittee shall survey each indirect heater stack when burning process gas to observe visible emissions.

5. Specific Recordkeeping Requirements :

a. Maintain a daily record and log of the Process Heater (H1) temperature and hours of operation.
b. Maintain a weekly record and log of the sulfur content of the fuel mixture.
c. Maintain a record and log of all items listed in the Monitoring Requirements above.

6. Specific Reporting Requirements :

none

7. Specific Control Equipment Operating Conditions:

Emissions from the Vapor Recovery system are to be burned in either the primary process heater (H1) or flare to control VOC.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Group # 10 TRUCK LOADING OPERATIONS

Description : Product loading into tanker trucks are done through three separate dispersement arms.
Applicable regulation(s) : 40 CFR Subpart J, 40 CFR Subpart GGG.
Control Device : Vapor Recovery System: During the loading operation, vapors from the tank truck are drawn to a stationary tank with a slight vacuum. A vacuum compressor transports the vapors to an accumulator where the vapors are then transported to a flare or process heater H1.

Process Units:	**Source ID #**
1) Loading rack……..……..	na
Bottom feed, with vapor recovery system Maximum rated capacity: 36,792,000 gallons per year 3 arms for loading operation	

1. Operating Limitations:

a. To preclude the applicability of 401 KAR 51:017, the Loading Rack shall not be in operation unless the flare or Process Heater (H1) is in operation so as to combust fuel gas from the vapor recovery system.

b. To preclude the applicability of 401 KAR 51:017, the Loading Rack shall not process gasoline at a rate greater than 11,037,600 gallons per year.

Compliance Demonstration:
See the monitoring and recordkeeping requirements.

2. Emission Limitations: None

3. Specific Testing Requirements : None

4. Specific Monitoring Requirements :

a. The permittee shall calibrate, maintain and operate according to the manufacturer's specification a monitoring device (differential pressure gauges or Manometers) to determine the pressure drop across the mechanical collector (vapor recovery tank) once a day during the operation of the Loading Rack.

b. Maintain a log for hours of operation of the Loading Rack and Process Heater (H1).

c. The permittee shall maintain a daily log of the volume of gasoline loaded at the Loading Rack.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

5. Specific Recordkeeping Requirements :

a. Maintain a daily record and log of the gasoline gallons loaded at the Loading Rack.

b. Maintain a daily record and log of tank trucks loaded at the Loading Rack with gasoline.

6. Specific Reporting Requirements :

None

7. Specific Control Equipment Operating Conditions :

The vapor recovery system and flare must be in operation while trucks are loading gasoline.

SECTION B - AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Group # 11 HAUL ROAD

Description: A dirt and gravel road is used by tanker trucks to enter and exit the facility at the loading rack and crude oil storage tanks.
Applicable regulation(s): 401 KAR 63:010
Control Device*:* Wet suppression.

Process Units:	**Source ID #**
1) Upaved Roadway for access to Loading Rack……..……	na

1. **Operating Limitations:**
   a. No person shall cause, suffer, or allow any material to be handled, processed, transported, or stored, or a road to be used without taking reasonable precaution to prevent particulate matter from becoming airborne.
   b. No person shall cause or permit the discharge of visible fugitive dust emissions beyond the lot line of the property on which the emissions originate.

   Compliance Demonstration :
   See Section 7. Specific Control Equipment and Operating Conditions below.

2. **Emission Limitations:** None

3. **Testing Requirements :** None

4. **Specific Monitoring Requirements :** None

5. **Specific Recordkeeping Requirements :** None

6. **Specific Reporting Requirements :** None

7. **Specific Control Equipment and Operating Conditions :**
   a. Use, where possible, water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
   b. Application and maintenance of asphalt, oil, water, or suitable chemicals on roads, materials stockpiles, and other surfaces which can create airborne dusts;

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. To preclude the applicability of 401 KAR 51:017, the permittee shall not allow potential and actual controlled VOC or SO_2 emissions to exceed 90.4 TPY.

2. As required by Section 1b of the material incorporated by reference in 401 KAR 52:030 Section 10, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months. Monthly sourcewide emissions of VOC and SO_2 shall be calculated and submitted with the semiannual reports.

3. All VOC and SO_2 emissions, as measured by methods referenced in 401 KAR 50:015 Section 1, shall not exceed the respective limitations specified herein.

4. Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 for VOC emissions shall be conducted. Reference Method 6 shall be used in determination of the sulfur dioxide concentration.

5. Please refer to 40 CFR 60.106 - Test methods and procedures and 401 KAR 50:015 Documents Incorporated by Reference for any additional applicable testing requirements.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

2. The permittee shall calibrate, maintain and operate according to manufacturer's specification a monitoring device (differential pressure gauges or Manometers) to determine the pressure drop across the mechanical collector once a day during the operation of the Loading Rack.

3. The permittee shall calibrate, maintain and operate according to manufacturer's specification a monitoring device (differential pressure gauges or Manometers) to determine the pressure drop across the mechanical collector once a day during the operation of the Blowdown device for the two fixed roof gasoline storage tanks and the truck loading operation.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
   a. Date, place (as defined in this permit), and time of sampling or measurements;
   b. Analyses performance dates;
   c. Company or entity that performed analyses;
   d. Analytical techniques or methods used;
   e. Analyses results; and
   f. Operating conditions during time of sampling or measurement.

2. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, records of all required monitoring data, support information (including calibrations, maintenance records, and original strip chart recordings), and reports required by the Division for Air Quality shall be retained by the permittee for a period of five years. In accordance with Section 1a (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10 and 401 KAR 52:030 Section 3(1)(f)1a, these records shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.

3. In accordance with the requirements of 401KAR 52:030 Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
   a. Access and copy any records required by this permit, enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation; and
   b. Sample or monitor substances or parameters that affect compliance with the permit or any applicable requirements.

   Reasonable times include all hours of operation, normal office hours, and during an emergency.

4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

6. The semi-annual reports are due on January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

7 In accordance with the provisions of 401KAR 50:055, Section 1, the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:

a. When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.

b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.

8 Pursuant to Section 1b V(3) and (4) of the material incorporated by reference in 401 KAR 52:030 Section 10, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5.

9 Pursuant to 401KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Regional Office listed on the front of this permit in accordance with the following requirements:

a. Identification of each term or condition of the permit that is the basis of the certification;

b. The compliance status regarding each term or condition of the permit;

c. Whether compliance was continuous or intermittent; and

d. The method used for determining the compliance status for the source, currently and over the reporting period.

e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

f. Pursuant to 401 KAR 50:055, the refinery operator must notify and demonstrate compliance to the Division/London Regional office prior to operation of any process. All records relating to demonstration of compliance shall be attached to the Title V Operating permit.

g. The certification shall be postmarked by January 30th of each year. **Annual compliance certifications should be mailed to the following addresses:**

Division for Air Quality
London Regional Office
875 S. Main St.
London, KY 40741

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee. If a KEIS emission report is not mailed to the permittee, comply with all other emission reporting requirements in this permit.

11. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by 401KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

12. The cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
    a. The owner or operator shall submit to the cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
        i. The size and location of both the original and replacement units; and
        ii. Any resulting change in emissions;
    b. The PTE of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
    c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
    d. The replacement unit shall comply with all applicable requirements; and
    e. The source shall notify Regional office of all shutdowns and start-ups.
    f. Within six (6) months after installing the replacement unit, the owner or operator shall:
        i. Re-install the original unit and remove or dismantle the replacement unit; or
        ii. Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit. [Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

2. Notification by the permittee of a planned change or anticipated noncompliance, or filing of a request for any permit revision, reissuance, or rescission shall not stay any permit condition. [Section 1a (5) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

3. Pursuant to Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10, 401 KAR 52:030 Section 7(3), and 401 KAR 50:060 Section 2, this permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
   a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401KAR 52:030 Section 12;
   b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
   c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

   Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish upon request information requested by the division to determine compliance with the permit or to determine if cause exists for modifying, revoking and reissuing, or terminating the permit. [Sections 1a (6) and (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority. [401 KAR 52:030 Section 7(1)]

SECTION G - GENERAL PROVISIONS

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [Section 1a (11) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Section 1a (3) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Section 1a (12)(b) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6). [Section 1a (9) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:030 Section 11(3)]

11. This permit does not convey property rights or exclusive privileges. [Section 1a (8) of the materials incorporated by reference in 401 KAR 52:030 Section10]

12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.

13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.

14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.

15. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
    (a) Applicable requirements that are included and specifically identified in this permit; and
    (b) Non-applicable requirements expressly identified in this permit.

16. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the division. [401 KAR 52:030 Section 3(1)(c)]

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17. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the division after the completeness determination has been made on any application, by whatever deadline the division sets. [401 KAR 52:030 Section 8(2)]

18. All previously issued construction and operating permits are hereby subsumed into this permit.

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 52:030 Section 12

(c) Permit Revisions

1. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).

2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.

2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the division's Frankfort Central Office, notification of the following:
   a. The date when construction commenced.
   b. The date of start-up of the affected facilities listed in this permit.
   c. The date when the maximum production rate specified in the permit application was achieved.

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3. Affected facilities that are not completed in accordance with 401 KAR 52:030 Section 3(2) shall lose the construction and operation authorization granted in this permit. Accordingly:
   a. Construction shall commence no later than 18 months after the date of issue of this permit;
   b. Construction shall not begin and discontinue for 18 months or more unless the construction authorized is approved as a phased project;
   c. Construction shall be completed within 18 months of the scheduled completion date; and
   d. Each phase of a phased construction project shall commence construction within 18 months of the projected and approved commencement date.

   Upon a written request, the division may extend these time periods if the source shows good cause.

4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055, except as provided in Section I of this permit.

5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance test on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. These performance tests must be conducted in accordance with General Provision G(d)6 of this permit and the permittee must also furnish a written report of the results of such performance tests to the division's Frankfort Central Office.

6. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the division shall be notified of the actual test date at least ten (10) days prior to the test.

(e) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:

SECTION G - GENERAL PROVISIONS

a. An emergency occurred and the permittee can identify the cause of the emergency;
b. The permitted facility was at the time being properly operated;
c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within ten (10) working days of the time when emission limitations were exceeded due to the emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.

2. Notification of the division does not relieve the source of any other local, state or federal notification requirements.

3. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:030 Section 23(3)]

4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:030 Section 23(2)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information by the division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
   a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
   b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
   c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified

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by an approved technician certification program pursuant to 40 CFR 82.161.

d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.

e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.

f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.